

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1441 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13/04/2004 in WP NO : 6687 OF 2002 on the file of the High Court.)

Between:

- 1 M. Sivarama Krishna S/o. Appaiah
R/o. Peyyuru, Mudinepalli Mandal, 105, Saphire Complex, Amrutha Hills,
Punjagutta, Hyd.
 - 2 Smt. J. Shyamaladevi W/o. Sri J. Durga Prasad,
105, Saphire Complex, Amrutha Hills, Panjugatta, Hyd.
- APPELLANT(S)**

AND

- 1 Govt of A.P., rep. by its District Collector, Khammam District, Khammam.
 - 2 Govt of A.P., rep. by its Assistant Director, Survey & Land Records,
Khammam, Khammam Dist.
 - 3 V. Rama Rao S/o. V. Narasimha Rao
R/o. Ramannapalem Village, Vemsore Mandal, Khammam District.
- RESPONDENT(S)**

Counsel for the Appellant: MR.P.VENUGOPAL

Counsel for the Respondent Nos. 1 and 2: GP FOR ASSIGNMENTS

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Challenge in this appeal is to the order of dismissal of the writ petition filed by the appellants. Appellants, in the writ petition, have questioned the legality and validity of the order dated 26.2.2002 passed by the Assistant Director, Survey and Land Records, in conducting survey of the land of the appellants pursuant to various directions issued by his Court. When on a petition filed by the petitioners-appellants, the Survey Officer has conducted survey and passed an order, such an order would be an order passed under section 10 of A.P. Survey and Boundaries Act, 1923 (for brevity 'the Act'), against which, there is a statutory remedy of preferring appeal under Section 11 of the said Act.

In view of the availability of alternative statutory remedy, which is adequate and efficacious, the writ petition ought not to have been entertained or decided upholding the legality and validity of the order dated 26.2.2002, impugned in the writ petition. Consequently, the writ appeal is allowed. The impugned order of the learned single judge is set aside. The writ petition filed by the appellant is dismissed with liberty reserved to the appellant to question the order dated 26.2.2002, impugned in the writ petition, under the Act.

In view of the fact that the order passed by the learned single judge in the writ petition was challenged in writ appeal, we direct that the period during which the proceedings remained pending in this Court will not be computed for the purpose of limitation for filing statutory appeal.

The writ appeal is accordingly allowed. No costs.

DEVINDER GUPTA, CJ

Date: 22nd September, 2004

C.V.RAMULU,J

Note: Furnish c.c. in two days

B/o

pnb

To

1 The District Collector, Khammam District, Khammam.

2. The Assistant Director, Survey & Land Records, Khammam, Khammam Dist.

3 V. Rama Rao S/o. V. Narasimha Rao
R/o. Ramannapalem Village, Vemsore Mandal, Khammam District.

4. Two C.Cs. to G.P. for Assignments, High Court Buildings, Hyderabad.

(OUT)

5. Two C.D. copies